

## REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-24, 31-33, 35, and 36 are pending in this application.

### 35 U.S.C. § 103

Claims 1-3, 8-11, 14-16, 18-20, 22-24, 31, and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,530,752 to Rubin (hereinafter "Rubin") in view of U.S. Patent No. 6,075,862 to Yoshida et al. (hereinafter "Yoshida") and further in view of U.S. Patent No. 6,473,860 to Chan (hereinafter "Chan"). Applicant respectfully submits that claims 1-3, 8-11, 14-16, 18-20, 22-24, 31, and 33 are allowable over Rubin in view of Yoshida and further in view of Chan.

With respect to amended claim 1, amended claim 1 recites:

An installation module comprising:  
an encrypted software module that is a first version of the software module;  
a decryption key to decrypt the encrypted software module;  
and  
an executive for using the decryption key to decrypt the encrypted software module when at least one of a set of trigger files is stored on a computing system and to install the first version of the software module on the computing system when at least one of the set of trigger files is stored on the computing system, wherein each of the trigger files indicates authorization to install the encrypted software module, and wherein the first version of the software module uses greater than a threshold strength encryption;  
wherein a second version of the software module is installed if at least one of the set of trigger files is not stored on the computing system, and wherein the second version of the software module uses

a strength encryption that is not greater than the threshold strength encryption.

Applicant respectfully submits that no such installation module is disclosed or suggested by Rubin in view of Yoshida and further in view of Chan.

In the November 19, 2004 Office Action, Chan is relied on at col. 1, lines 41-53 and col. 6, lines 50-60 as disclosing an information distribution system wherein software programs included in a distribution package can be encrypted separately using different encryption strengths (see, November 19, 2004 Office Action at p. 4). The cited portions of Chan discuss that information is encrypted in different levels of security (see, col. 6, lines 50-51). Most of the information is encrypted using a method having a low level of security and a portion of the information is encrypted using a method having a high level of security (see, col. 6, lines 52-56).

In contrast, in amended claim 1, the first version of the software module uses greater than a threshold strength, and the second version of the software module uses a strength encryption that is not greater than the threshold strength encryption. Thus, rather than being encrypted using the different strength encryptions, the versions of the software module use different strength encryptions. Applicant respectfully submits that there is no disclosure or suggestion in Chan of the different information using different encryption levels, only of the different information being encrypted using different encryption strengths.

With respect to Rubin and Yoshida, Applicant respectfully submits that Rubin and Yoshida are not cited as curing, and do not cure, these deficiencies of

Chan. Accordingly, Applicant respectfully submits that amended claim 1 is allowable over Rubin in view of Yoshida and further in view of Chan.

Furthermore, amended claim 1 recites an installation module comprising an encrypted software module, a decryption key, and an executive for using the decryption key to decrypt the encrypted software module. Applicant respectfully submits that no such installation module including all three of these components is disclosed or suggested in Rubin in view of Yoshida and further in view of Chan.

In the November 19, 2004 Office Action, the software package at col. 5, lines 6-30 of Rubin is cited as disclosing the encrypted software module of amended claim 1, the decryption key at Fig. 3, 305 is cited as disclosing the decryption key of amended claim 1, and the transformer at col. 6, lines 2-6 is cited as disclosing the executive of amended claim 1 (see, November 19, 2004 Office Action at p. 3). Rubin discusses that the sample software module 204 is input to the transformer 400 (see, Fig. 4). However, nowhere in Rubin is there any discussion or mention that the transformer 400 and the software module 204 are part of the same installation module. The mere disclosure of a software module 204 and a separate transformer 400 does not provide any disclosure or suggestion of including both the software module 204 and the separate transformer 400 into the same installation module. Without any disclosure or suggestion of software module 204 and transformer 400 being part of the same installation module, Applicant respectfully submits that Rubin cannot disclose or suggest an installation module comprising an encrypted software module, a decryption key, and an executive for using the decryption key to decrypt the encrypted software module as recited in amended claim 1.

With respect to Yoshida and Chan, Applicant respectfully submits that Yoshida and Chan are not cited as curing, and do not cure, these deficiencies of Chan. Accordingly, Applicant respectfully submits that amended claim 1 is allowable over Rubin in view of Yoshida and further in view of Chan.

For at least these reasons, Applicant respectfully submits that amended claim 1 is allowable over Rubin in view of Yoshida and further in view of Chan.

With respect to claim 8, given that claim 8 depends from amended claim 1, Applicant respectfully submits that claim 8 is allowable over Rubin in view of Yoshida and further in view of Chan for at least the reasons discussed above with respect to amended claim 1.

With respect to amended claim 2, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Rubin in view of Yoshida and further in view of Chan does not disclose or suggest an installation module comprising an encrypted software module, a key, and an executive for decrypting and installing the encrypted software module with the key, wherein the encrypted software module uses greater than a threshold strength encryption and wherein the different version of the software module uses a strength encryption that is not greater than the threshold strength encryption as recited in amended claim 2. For at least these reasons, Applicant respectfully submits that amended claim 2 is allowable over Rubin in view of Yoshida and further in view of Chan.

With respect to claim 3, given that claim 3 depends from amended claim 2, Applicant respectfully submits that claim 3 is allowable over Rubin in view of Yoshida and further in view of Chan for at least the reasons discussed above with respect to amended claim 2.

With respect to amended claim 9, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Rubin in view of Yoshida and further in view of Chan does not disclose or suggest an installation module comprising an encrypted software module, a decryption key, and an executive for decrypting the encrypted software module with the decryption key, wherein the first version of the software module uses greater than a threshold strength encryption and wherein the second version of the software module uses a strength encryption that is not greater than the threshold strength encryption as recited in amended claim 9. For at least these reasons, Applicant respectfully submits that amended claim 9 is allowable over Rubin in view of Yoshida and further in view of Chan.

With respect to claims 10, 11, and 14, given that claims 10, 11, and 14 depend from amended claim 9, Applicant respectfully submits that claims 10, 11, and 14 are allowable over Rubin in view of Yoshida and further in view of Chan for at least the reasons discussed above with respect to amended claim 9.

With respect to amended claim 15, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Rubin in view of Yoshida and further in view of Chan does not disclose or suggest the encrypted software module uses greater than a threshold strength encryption and the different version of the software module uses a strength encryption that is not greater than the threshold strength encryption as recited in amended claim 15. For at least these reasons, Applicant respectfully submits that amended claim 15 is allowable over Rubin in view of Yoshida and further in view of Chan.

With respect to claims 16, 19, 20, 22, and 23, given that claims 16, 19, 20, 22, and 23 depend from amended claim 15, Applicant respectfully submits that claims 16, 19, 20, 22, and 23 are allowable over Rubin in view of Yoshida and further in view of Chan for at least the reasons discussed above with respect to amended claim 15.

With respect to amended claim 18, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Rubin in view of Yoshida and further in view of Chan does not disclose or suggest the encrypted software module uses greater than a threshold strength encryption and the different version of the software module uses a strength encryption that is not greater than the threshold strength encryption as recited in amended claim 18. For at least these reasons, Applicant respectfully submits that amended claim 18 is allowable over Rubin in view of Yoshida and further in view of Chan.

With respect to amended claim 24, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Rubin in view of Yoshida and further in view of Chan does not disclose or suggest the encrypted software module uses greater than a threshold strength encryption and the different version of the software module uses a strength encryption that is not greater than the threshold strength encryption as recited in amended claim 24. For at least these reasons, Applicant respectfully submits that amended claim 24 is allowable over Rubin in view of Yoshida and further in view of Chan.

With respect to amended claim 31, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Rubin in view of Yoshida and further in view of Chan does not disclose or suggest the multiple

versions using multiple different strength encryptions, wherein a first version of the multiple versions uses greater than a threshold strength encryption, and wherein a second version of the multiple versions uses not greater than the threshold strength encryption as recited in amended claim 31. For at least these reasons, Applicant respectfully submits that amended claim 31 is allowable over Rubin in view of Yoshida and further in view of Chan.

With respect to claim 33, given that claim 33 depends from amended claim 31, Applicant respectfully submits that claim 33 is allowable over Rubin in view of Yoshida and further in view of Chan for at least the reasons discussed above with respect to amended claim 31.

Claims 4, 6, 12, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rubin in view of Yoshida and further in view of Chan and further in view of U.S. Patent No. 6,058,478 to Davis (hereinafter “Davis”). Applicant respectfully submits that claims 4, 6, 12, and 21 are allowable over Rubin in view of Yoshida and further in view of Chan and further in view of Davis.

Claims 4, 6, 12, and 21 depend from independent amended claims 2, 1, 9, and 15, respectively. Applicant respectfully submits that claims 4, 6, 12, and 21 are allowable over Rubin in view of Yoshida and further in view of Chan due to their dependencies on one of amended claims 2, 1, 9, and 15 discussed above. Davis is not cited as curing, and does not cure, the deficiencies of Rubin in view of Yoshida and further in view of Chan discussed above with respect to amended claims 2, 1, 9, and 15. For at least these reasons, Applicant respectfully submits

that claims 4, 6, 12, and 21 are allowable over Rubin in view of Yoshida and further in view of Chan and further in view of Davis.

Claims 7 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rubin in view of Yoshida and further in view of Chan and further in view of Davis and further in view of U.S. Patent No. 5,825,890 to Elgamal et al. (hereinafter “Elgamal”). Applicant respectfully submits that claims 7 and 13 are allowable over Rubin in view of Yoshida and further in view of Chan and further in view of Davis and further in view of Elgamal.

Claims 7 and 13 depend from claims 6 and 12, respectively. Applicant respectfully submits that claims 7 and 13 are allowable over Rubin in view of Yoshida and further in view of Chan and further in view of Davis due to their dependencies on one of claims 6 and 12 discussed above. Elgamal is not cited as curing, and does not cure, the deficiencies of Rubin in view of Yoshida and further in view of Chan and further in view of Davis discussed above with respect to claims 6 and 12. For at least these reasons, Applicant respectfully submits that claims 7 and 13 are allowable over Rubin in view of Yoshida and further in view of Chan and further in view of Davis and further in view of Elgamal.

Claims 5 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rubin in view of Yoshida and further in view of Chan and further in view of U.S. Patent No. 5,199,073 to Scott (hereinafter “Scott”). Applicant respectfully submits that claims 5 and 17 are allowable over Rubin in view of Yoshida and further in view of Chan and further in view of Scott.

Claims 5 and 17 depend from independent amended claims 2 and 15, respectively. Applicant respectfully submits that claims 5 and 17 are allowable



over Rubin in view of Yoshida and further in view of Chan due to their dependencies on one of amended claims 2 and 15 discussed above. Scott is not cited as curing, and does not cure, the deficiencies of Rubin in view of Yoshida and further in view of Chan discussed above with respect to amended claims 2 and 15. For at least these reasons, Applicant respectfully submits that claims 5 and 17 are allowable over Rubin in view of Yoshida and further in view of Chan and further in view of Scott.

Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Rubin in view of Yoshida and further in view of Chan and further in view of U.S. Patent No. 6,327,660 to Patel (hereinafter "Patel '660"). Applicant respectfully submits that claim 32 is allowable over Rubin in view of Yoshida and further in view of Chan and further in view of Patel '660.

Claim 32 depends from claim 31. Applicant respectfully submits that claim 32 is allowable over Rubin in view of Yoshida and further in view of Chan due to its dependency on claim 31 discussed above. Patel '660 is not cited as curing, and does not cure, the deficiencies of Rubin in view of Yoshida and further in view of Chan discussed above with respect to claim 31. For at least these reasons, Applicant respectfully submits that claim 32 is allowable over Rubin in view of Yoshida and further in view of Chan and further in view of Patel '660.

Claims 35 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rubin in view of Yoshida and further in view of Chan and further in view of Davis and further in view of U.S. Patent No. 6,192,474 to Patel et al. (hereinafter "Patel '474"). Applicant respectfully submits that claims 35 and

36 are allowable over Rubin in view of Yoshida and further in view of Chan further in view of Davis and further in view of Patel '474.

With respect to claim 35, claim 35 depends from amended claim 1, and Applicant respectfully submits that claim 35 is allowable over Rubin in view of Yoshida and further in view of Chan for at least the reasons discussed above with respect to amended claim 1. Davis and Patel '474 are not cited as curing, and do not cure, the deficiencies of Rubin in view of Yoshida and further in view of Chan discussed above with respect to amended claim 1. Accordingly, Applicant respectfully submits that claim 35 is allowable over Rubin in view of Yoshida and further in view of Chan further in view of Davis and further in view of Patel '474.

Furthermore, claim 35 recites:

The system of claim 1, wherein the decryption key is encrypted as a function of a cryptographic hash value produced by hashing a corresponding trigger file with a hash algorithm.

Applicant respectfully submits that Rubin in view of Yoshida and further in view of Chan further in view of Davis and further in view of Patel '474 does not disclose or suggest the decryption key is encrypted as a function of a cryptographic hash value produced by hashing a corresponding trigger file with a hash algorithm as recited in claim 35.

In the November 19 Office Action, Patel '474 at col. 2, lines 37-59 is cited as disclosing using a hash of authentication information as an encryption key (see, November 19 Office Action at p. 7). The cited portion of Patel '474 discusses calculating a value  $(g^R_M R_N \text{ mod } p)$  as part of a Diffie-Hellman Encrypted Key Exchange and using a hash thereof as a session key (see, col. 2, lines 56-69). However, claim 35 depends from claim 1, and the decryption key 305 of Rubin is

relied on as disclosing the decryption key of claim 1 while the version number from the Executable Object Code System Program of Rubin is relied on as disclosing the at least one of a set of trigger files of claim 1 (see, November 19 Office Action at p. 3). Thus, in order to satisfy the language of claim 35, there would need to be some disclosure or suggestion to encrypt the decryption key 305 of Rubin as a function of a cryptographic hash value produced by hashing the version number of Rubin. Applicant respectfully submits that the mere discussion of using a hash of a value calculated as part of a Diffie-Hellman Encrypted Key Exchange as a session key does not provide any disclosure or suggestion of hashing the version number of Rubin and using the resulting cryptograph hash value to encrypt a decryption key. There is no mention or suggestion in any of the cited references to use a value derived from a trigger file to encrypt a decryption key, much less of the decryption key being encrypted as a function of a cryptographic hash value produced by hashing a corresponding trigger file with a hash algorithm as recited in claim 35. Yoshida, Chan, and Davis are not cited as curing, and do not cure, these deficiencies of Rubin in view of Patel '474. Accordingly, Applicant respectfully submits that claim 35 is allowable over Rubin in view of Yoshida and further in view of Chan further in view of Davis and further in view of Patel '474.

For at least these reasons, Applicant respectfully submits that claim 35 is allowable over Rubin in view of Yoshida and further in view of Chan further in view of Davis and further in view of Patel '474.

With respect to claim 36, claim 36 depends from amended claim 2, and Applicant respectfully submits that claim 36 is allowable over Rubin in view of

Yoshida and further in view of Chan for at least the reasons discussed above with respect to amended claim 2. Davis and Patel '474 are not cited as curing, and do not cure, the deficiencies of Rubin in view of Yoshida and further in view of Chan discussed above with respect to amended claim 2. Accordingly, Applicant respectfully submits that claim 36 is allowable over Rubin in view of Yoshida and further in view of Chan further in view of Davis and further in view of Patel '474.

Furthermore, similar to the discussion above regarding claim 35, Applicant respectfully submits that Rubin in view of Yoshida and further in view of Chan further in view of Davis and further in view of Patel '474 do not disclose or suggest the decryption key is encrypted as a function of a cryptographic hash value produced by hashing a corresponding trigger file with a hash algorithm as recited in claim 36. Accordingly, Applicant respectfully submits that claim 36 is allowable over Rubin in view of Yoshida and further in view of Chan further in view of Davis and further in view of Patel '474.

For at least these reasons, Applicant respectfully submits that claim 36 is allowable over Rubin in view of Yoshida and further in view of Chan further in view of Davis and further in view of Patel '474.

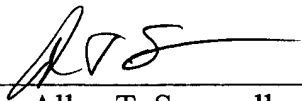
Applicant respectfully requests that the §103 rejections be withdrawn.

**Conclusion**

Claims 1-24, 31-33, 35, and 36 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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